IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4778 OF 2004

Mr.Abhay V.Kakde ...Applicant

Versus

H.K.Lamination & Anr. ...Respondents

.....

Mr.C.M.Kothari for Applicant.

None for Respondents.

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CORAM: A.M.KHANWILKAR, J.

JULY 7, 2005.

P.C.

1. Notice was issued to the Respondents, indicating that the matter will be finally disposed of at notice stage. Respondent No.1, who is the contesting Respondent, has entered appearance through Advocate. None appears for Respondent No.1 though served. Heard Mr.Kothari for the Applicant.

2. The question involved in this Application is squarely answered in the decision between the parties in the companion cases being Criminal

Application No.4779 of 2004 and Criminal Application No.4809 of 2004, both decided on 22nd December 2004. The facts of the present case are identical. The averments in the complaint to indicate complicity of the Applicant who is accused No.5, are identical.

3. In the circumstances, for the reasons mentioned in the orders dated 22nd December 2004 in the aforesaid Criminal Applications, even this Application ought to succeed.

4. Application allowed in terms of prayer clause (a).

A.M.KHANWILKAR, J.